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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,904	05/26/2000	Robert R. Bushey	P19004	8391

7055 7590 12/21/2004

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EXAMINER

BAUTISTA, XIOMARA L

ART. UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/578,904

Applicant(s)

BUSHEY ET AL.

Examiner

X L Bautista

Art Unit

2179

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

THE REPLY FILED 29 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

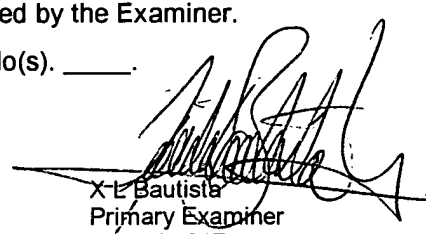
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Note the Form PTO-1449 filed 9/20/2004.


X L Bautista
Primary Examiner
Art Unit: 2179

009/578,904

Continuation of 2. NOTE: The new issues include (claims 3 and 11) "categorizing users into at least two groups based on at least one of user behaviors and user preferences, each group having a plurality of users; describing the categorized user behaviors and user preferences; modeling the described user behaviors and preferences; validating targeted user behaviors and user preferences of the model..." Only "categorizing users into at least two groups based on at least one of user behaviors and user preferences, each group having a plurality of users; describing the categorized user behaviors and user preferences; validating targeted user behaviors and user preferences..." was claimed prior to Final Rejection. In other words, the search was concentrated on categorizing multiple users into two or more groups, each group having two or more users; the categorization based on user behavioral characteristics or user preferences, or both; describing the categorized user behaviors and user preferences; modeling the described user behaviors and user preferences using qualitative (likes, dislikes, genre, etc.) and quantitative (how much time the users spend watching specific programs, etc.) models; validating targeted user behaviors and user preferences of the groups; observing or monitoring design requirements for the validated user behaviors and user preferences, and generating a tailored user interface for each group according to the design requirements of each group.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that (claims 1, 3, & 11) "GERACE repeatedly discusses the individual user, consistent with the media GERACE is operating in...Regardless of whether a computer can be used [b]y multiple people, the reference itself does not provide any reasoning for such a modification. There is no discussion or suggestion of applying the invention to multiple users. The focus is solely on the individual user...GERACE is used to design a 'customized user interface'...an interface that is uniquely tailored for each user." (page 6, line 22-page 7, line 8). In response, Gerace discloses a method that provides targeting of appropriate audience based on behavioral profiles of users; the profile being formed by recording computer activity and viewing habits of users. Gerace discloses that the profile is used for displaying advertisements to selected users; and that the profile is refined (changed) based on analysis of the recorded responses of a set of users (group). Gerace discloses that viewing and regression analysis of recorded responses of sets of users continually auto-targets and customizes ads for the optimal end user audience (abstract; col. 5, lines 15-40). Gerace's method records behavioral characteristics of user, then forms groups of users with similar profiles and generates a custom interface and displays appropriate screen views, programming and/or advertisements for a targeted audience according to the recorded preferences of users (col. 4, lines 12-55; col. 5, lines 15-38; col. 13, lines 1-12; col. 18, lines 10-25, 64-67; col. 19, lines 1-6).